

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FEDERAL DEPOSIT INSURANCE	)	8:13CV168
CORPORATION, as Receiver for	)	
TierOne Bank,	)	
	)	MEMORANDUM
Plaintiff,	)	AND ORDER
	)	
v.	)	
	)	
GILBERT G. LUNDSTROM,	)	
DAVID L. HARTMAN, JAMES A.	)	
LAPHEN, RANDALL B. KIDD,	)	
DELMAR E. WILLIAMS,	)	
CHARLES W. HOSKINS,	)	
CAMPBELL R. MCCONNELL, and	)	
ANN LINDLEY SPENCE,	)	
	)	
Defendants.	)	

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This matter is before the court on the findings and recommendation filed by Magistrate Judge Cheryl R. Zwart on October 28, 2013 (filing [79](#)). Judge Zwart recommends that the pretrial proceedings in Case No. 8:13CV168 be consolidated with the pretrial proceedings in Case No. 4:12CV3148.

No objections have been filed to the findings and recommendation within the time permitted by 28 U.S.C. § 636(b)(1). In any event, I have conducted a de novo review and find that Judge Zwart has correctly found the facts and applied the law. Her findings and recommendation therefore will be adopted.

Accordingly,

IT IS ORDERED that the pretrial proceedings in Case Nos. 8:13CV168 and 4:12CV3148 are consolidated.

DATED this 18<sup>th</sup> day of November, 2013.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge